

Date of Meeting: May 15, 2013

**BOARD OF SUPERVISORS
ACTION ITEM**

11B

SUBJECT: ZCPA-2012-0003, Goose Creek Preserve

ELECTION DISTRICT(S): Broad Run

CRITICAL ACTION DATE: May 15, 2013

STAFF CONTACTS: Jane McCarter, Department of Planning
Julie Pastor, Department of Planning

RECOMMENDATIONS:

Transportation and Land Use Committee: On May 10, 2013, the Transportation and Land Use Committee voted 3-2 (Volpe, Reid, Higgins support; York and Clarke opposed) to forward the application to the Board with a recommendation that it be returned to the Planning Commission for review of the proposed townhouse design, a revised proffer statement and new public hearing.

Planning Commission: On December 19, 2012, the Planning Commission forwarded the Zoning Concept Plan Amendment application to the Board of Supervisors with a recommendation of approval (5-3-1, Klancher, Ruedisueli, and Syska—opposed; Douglas—absent), subject to the Proffer Statement dated December 2012 as amended at the January 8, 2013 Planning Commission worksession, and based on the Findings for Approval.

Staff: Staff recommends denial of the application. Staff cannot support this application until issues related to design/unit type, appropriate capital facilities contribution and unmet housing needs are resolved.

BACKGROUND:

On April 6, 2012, the County accepted on behalf of Brookfield Goose Creek Preserve LLC, an application to amend the concept plan and proffers approved with ZMAP-2002-0009, Goose Creek Preserve, in order to revise the design of 64 multi-family dwelling units and revise proffered open space and recreational amenities, with no resulting change in density, for a 4.49 acre portion of Land Bay IV in the PD-H4 (Planned Development-Housing), zoning district and administered in accordance with ADU R-8 provisions of the Revised 1993 Zoning Ordinance. ZMAP 2002-0009, Goose Creek Preserve, was approved by the Board of Supervisors July 6, 2004 for the rezoning of 164 acres to a PD-H4 mixed use residential community with 500 dwellings at a density of approximately 3.06 dwelling units per acre.

On April 10, 2013, the Board of Supervisors conducted a public hearing on this matter; one member of the public spoke neither for nor against this application, but addressed parking limitations throughout the community. Discussion from the Board included confirmation of the zoning definitions of unit type, design elements of the unit type proposed, and concern that a Zoning Administrator's determination regarding unit type within this proposal had not yet been made. Board members also requested proffers and plats of the three examples provided by Staff at the public hearing of existing townhouse condominium communities in Loudoun County; sought clarification of the elements within each proposed unit as they related to the Zoning Ordinance definitions of unit type; and discussed similar units elsewhere in the County. After discussion, the Board voted 9-0 to forward ZCPA 2012-0003, Goose Creek Preserve, to the Zoning Administrator for a formal zoning determination of unit type and, once the zoning determination was made by the Zoning Administrator, that the ZCPA be scheduled in the Transportation and Land Use Committee for discussion and final recommendation to the Board.

The Zoning Administrator rendered a determination that the units proposed in the application cannot be considered as multifamily and they are townhouses. (*see Attachment 2, ZCOR 2013-0078*) On May 10, 2013 the Transportation and Land Use Committee (TLUC) met to discuss the application further.

Staff noted the various options for further consideration of the application including taking action on it as is; suspending action should the Applicant wish to appeal the zoning determination (and continuing this process through the Board of Zoning Appeals and thereafter to the Circuit Court); accepting the applicant's withdrawal of the application; or agreeing to consider a revised application to account for the units as single family attached units. Staff also outlined the information needed to evaluate the application should the Applicant decide with this latter option to reflect the units appropriately as single family attached units. These items include a revised concept plan, addressing ADUs, Unmet Housing Needs, and Capital Facilities Contribution in accordance with the 2009 CIF.

With respect to the Capital Facilities Contribution, members of the Committee asked whether the Applicant would be willing to provide the current capital facilities contribution for the proposed townhouse units rather than the multi-family capital facilities contribution previously approved with ZMAP 2002-0009. The Applicant declined. However, they did acknowledge the County Attorney's request that they clarify the number and unit type for the land bay in the proffer statement (*see Attachment 4*) and that the application go through a new public hearing process.

A motion to forward the application, as is, to the Board with a recommendation of denial failed 2-3 (Clarke and York supported; Volpe, Higgins, and Reid opposed).

A motion was then made to forward the application to the Planning Commission for review and public hearing. The TLUC stated the Applicant should clarify the unit type proposed, address and justify their proposed capital facilities contribution, and ensure the advertisement for single family attached rather than the multi-family units previously advertised are addressed prior to the Planning Commission public hearing.

The TLUC also recommended that the unit type definitions in the Revised 1993 Zoning Ordinance be considered in a future package of the Business Friendly Zoning Ordinance Amendment (ZOAM) and sent to the Zoning Ordinance Action Group (ZOAG) for their input. Staff offered that the current Route 28 Zoning Implementation effort is in the best position to accommodate such revisions and in the timeliest fashion. This appeared to be agreeable to the Committee so long as feedback from the ZOAG is solicited in the process.

ISSUES:

As it currently stands (without revision), Staff continues to recommend denial of the application. The proposal has three outstanding issues: (1) design/unit type; and fails to address (2) appropriate Capital Facilities Contribution, and (3) Unmet Housing Needs consistent with the single-family attached unit type. Staff included a full analysis of the application in the Board's Public Hearing Staff Report and Transportation and Land Use Committee memo previously distributed to the Board.

FISCAL IMPACT:

As townhouses, there is a negative impact to the County of \$28,295 per market rate unit for the Capital Facilities Impact Contribution for this project based on the applicants current Proffer of \$12,090 per market rate unit. The proposed unit type/design, as determined by the Zoning Administrator, is a townhouse and the anticipated capital facilities contribution would be \$40,385 per market rate unit. Additionally, the applicant has not proffered to provide dwelling units that provide for unmet housing needs, or proffered a cash contribution of \$112,500 to address unmet housing needs.

ALTERNATIVES:

The Board may approve, deny, or continue discussion of the zoning concept plan amendment application.

DRAFT MOTIONS:

1a. I move that the Board of Supervisors return ZCPA-2012-0003, Goose Creek Preserve to the Planning Commission to allow the Applicant to submit revised materials for the development of 64 additional Single Family Attached units on Landbay IV of the Goose Creek Preserve application for consideration and public hearing.

AND

1b. I further move that the Staff incorporate consideration of the Zoning Ordinance dwelling unit type definitions (Article 8) in the Route 28 Zoning Implementation effort with a recommendation from the Zoning Ordinance Action Group (ZOAG).

OR

2. I move that the Board of Supervisors deny ZCPA-2012-0003, Goose Creek Preserve with findings dated May 15, 2013 (*Attachment 3*).

OR

3. I move an alternate motion.

ATTACHMENTS:

1. Vicinity Map.
2. Zoning Administrator Determination, ZCOR 2013-0078, dated May 2, 2013.
3. Findings for Denial dated May 15, 2013.
4. Proffer Statement dated April 25, 2013.

VICINITY MAP



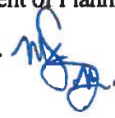
Directions: From Leesburg, take the Dulles Greenway (Route 267) east to Exit 4 (Belmont Ridge Road – Route 659). At the end of the ramp turn right onto Route 659 south. Goose Creek Preserve is immediately on the right (west) side of Route 659 at 21167 Belmont Ridge Road.

ATTACHMENT 1

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE: May 2, 2013
TO: Jane McCarter, Project Manager, Department of Planning
FROM: Mark Stultz, Deputy Zoning Administrator 
SUBJECT: ZCOR-2013-0078, Goose Creek Preserve
Zoning Determination Regarding Whether Dwelling Units Proposed With ZCPA-2012-0003, Goose Creek Preserve, Are Townhouse or Multifamily Units

PIN (Parcel Identification Number): 154-37-0101 (Subject Property)

This memorandum serves as an official zoning determination and is in response to your memorandum, dated April 18, 2013, and the exhibits provided with your memo, wherein you request a zoning determination on behalf of the Board of Supervisors. Specifically, you are requesting a zoning determination as to whether the proposed dwelling units shown and described on Sheet 4 of the Concept Development Plan (CDP) for the active Zoning Concept Plan Amendment application for Goose Creek Preserve (ZCPA-2012-0003) are considered multi-family or townhouse dwelling units. The short answer to your question is that, as currently designed, the proposed units possess all of the elements of the Zoning Ordinance definition of Dwelling, Townhouse and are, therefore, townhouse units and not multi-family units and, thus, are not permitted on the portion of the subject property that is proposed to be proffered for multi-family units only. Additional information and the basis for this finding are provided below.

The subject property is currently zoned PD-H4 (Planned Development-Housing 4), administered as R-8 (Single Family Residential) under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance). A portion of the subject property is also located within major floodplain of the Floodplain Overlay District and is subject to the regulations stated in Section 4-1500 of the Zoning Ordinance. Furthermore, portions of the subject property contain moderately steep slopes (15%-25%) and very steep slopes (> 25%) and are subject to the performance standards listed in Section 5-1508 of the Zoning Ordinance.

The Applicant is requesting a ZCPA to amend the Concept Development Plan (CDP) and Proffers approved with the Goose Creek Preserve Zoning Map Amendment application, ZMAP-2002-0009, for a 4.49 acre portion of subject property designated as Land Bay IV on the CDP for ZCPA-2012-0003. Specifically, ZCPA-2012-0003 proposes to convert 64 multi-family dwelling units into units of a different design that are designated as "multi-family" on the proposed CDP and in the draft Proffers, but are townhouse dwelling units pursuant to this determination. In addition, ZCPA-2012-0003 proposes revisions to the open space and recreational amenities, which are not the subject of this determination.

Article 8 of the Zoning Ordinance defines "Dwelling, Multi-Family" as: "*A building containing five or more dwelling units not having a separate lot.*" Article 8 of the Zoning Ordinance defines "Dwelling,

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Townhouse” as: “One of a group of three or more attached single-family dwelling units, separated from each other by continuous vertical party walls without openings for human passage or visibility from basement floor to roof, with no dwelling unit directly above another, and each unit having separate entrances from the outside.”

Sheet 4 of the proposed CDP for ZCPA-2012-0003, revised through April 17, 2013, was submitted with your zoning determination request and shows and describes the proposed dwelling units on which this determination is based. The CDP shows the proposed dwelling units as having the following design characteristics: 1) the individual dwelling units are not located on a separate lots, but are proposed as a condominium form of ownership with each unit, presumably, being separately transferable; 2) each unit includes three stories plus an attic; 3) each unit is a maximum of 2,000 square feet in size; 4) the front entrance for each individual unit is located inside a shared foyer; 5) a garage is included with a separate garage door entrance for each unit; and 6) a slight off-set¹ is provided in the vertical party wall resulting in a small portion of the upper stories of one unit being located above a small portion of the first floor of the adjacent unit.

While the Zoning Administrator acknowledges that the design of the proposed units meet the general definition of “Dwelling, Multi-Family”, the Zoning Administrator concludes that the design of the proposed units is such that they also meet the more specific Zoning Ordinance definition of “Dwelling, Townhouse”. It is clear that the Applicant for ZCPA-2012-0003 has attempted to create dwelling units with design elements that remove the units from the Zoning Ordinance definition of “Dwelling Townhouse” with the objective of having such units interpreted as being Multi-Family for zoning purposes but which have the appearance and function of Townhouses. However, when interpreting the Zoning Ordinance, the Zoning Administrator must review the Zoning Ordinance as a whole and consider the legislative intent, which in this case involves considering the intent of the Zoning Ordinance to differentiate townhouse dwelling units from multi-family units and other dwelling unit types. This differentiation is important because there are important distinctions in the Zoning Ordinance between townhouse and multi-family dwelling units. For example: 1) Article 7 of the Zoning Ordinance requires more Affordable Dwelling Units for townhouses developments than for multi-family developments; 2) Table 5-1102 of the Zoning Ordinance requires a greater number of required minimum off-street parking spaces for townhouse units versus multi-family units; and 3) Table 5-1414 (A) of the Zoning Ordinance requires different Buffer Yards for multi-family and townhouse developments, depending on the use that is adjacent to the units. Furthermore, the capital facilities contributions are set at a higher rate for townhouse units than they are for multi-family units.

The following summarizes the Zoning Administrator’s evaluation of the key design elements of the proposed dwelling units which, taken as a whole, support the finding that the proposed dwelling units are townhouses:

Form of Ownership: The proposed individual dwelling units are not proposed to be on individual lots, but rather are proposed to use a condominium form of ownership. The ownership structure of the dwelling units does not factor into the determination of unit type with respect to townhouses. Unlike the definitions of the other types of single-family attached dwellings in the Zoning Ordinance (duplex, triplex, and quadruplex), the Zoning Ordinance definition of “Dwelling, Townhouse” does not specify or require that the units be located on a separate lot. Dwelling units constructed in a townhouse configuration, whether on individual parcels, as condominiums, or as any other form of ownership, are

¹ Although the illustrative representation of the proposed new unit design on Sheet 4 of the CDP is not scaled, the off-set appears to be an approximate 2½ foot overlap and involves only about one-third of the total depth of the unit.

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all considered townhouses. In addition, it is important to note that the Condominium Act, Section 55-79.43.A of the Code of Virginia, which speaks to County and municipal ordinances, prohibits condominiums from being *"treated differently by any zoning or other land use ordinance which would permit a physically identical project or development under a different form of ownership."* Therefore, the fact that the dwelling units would be under condominium ownership does not allow them to be treated any differently than if they were developed under a different form of ownership.

Off-Set in Vertical Party Wall: The design of the proposed dwelling units shows the use of a slight off-set in the vertical party wall, such that small portions of the upper floors of one unit are above a small portion of the first floor of the adjacent unit. This design element appears to have been incorporated in an attempt to remove the proposed units from the portion of the Zoning Ordinance definition of "Dwelling, Townhouse" that specifies that such units are *"separated from each other by continuous vertical party walls"* and where there is *"no dwelling unit directly above another."* However, this slight off-set is not interpreted to render the wall less continuous or to render the wall as not vertical², nor is it interpreted to result in a "dwelling unit" being directly above another. Article 8 of the Zoning Ordinance defines 'dwelling unit' as follows: *"One room, or rooms connected together, constituting a separate unit for a single-family owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities."* Clearly, the slight overlap of the upper floors over the first floor of the adjacent unit does not qualify as having a *"dwelling unit directly above another."* In an appeal application (APPL-2010-0013) involving a prior zoning determination (ZCOR-2010-0048), the Board of Zoning Appeals (BZA) upheld the Zoning Administrator's finding that the dwelling units proposed for Broadlands South, which were designed with a similar off-set in the vertical party wall, are townhouse units and not multifamily units.

Unit Entrances: The design of the proposed dwelling units shows the front door for two adjacent dwelling units being located within an enclosed foyer that has a separate, single door to the outside. This design element appears to have been incorporated in an attempt remove the proposed units from the portion of the Zoning Ordinance definition of "Dwelling, Townhouse" that specifies *"each unit having separate entrances from the outside."* However, it is noted that the proposed design still shows each unit having a separate garage door entrance from the outside, which meets the Zoning Ordinance definition of a separate entrance.

The proposed CDP and the draft proffers for ZCPA-2012-0003 specify that multi-family units are to be located on the portion of the subject property that is located in Land Bay IV. Sections 1-103(B), 1-103(C) and Section 6-1209(I) of the Zoning Ordinance require that uses be in conformance with the Zoning Ordinance and any proffered conditions. Failure to meet or comply with any Zoning Ordinance requirement and proffered conditions shall be sufficient cause to deny the issuance of any site plan or subdivision approvals, grading permits, zoning permits, building permits, or certificates of occupancy as may be determined appropriate by the Zoning Administrator. Therefore, the proposed townhouse dwelling units would not be permitted on the portion of the subject property that is designated as Land Bay IV on the CDP, which proposes to proffer only multifamily dwelling units. In order to address this nonconformity, either the CDP and Proffers should be revised to accurately refer

²The ZCPA applicant may be contending that the phrase *"continuous vertical"* means that the verticality of the wall must be continuous, that is, with no portion of the wall being other than perpendicular to the ground. However, it is the determination of the Zoning Administrator that the phrase means that the wall that extends from the ground to the roof must be continuous (without any breaks or openings).

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to the proposed dwelling units as "townhouse dwellings", or the CDP and Proffers should be revised to propose actual multifamily dwelling units that do not meet the definition of "Dwelling, Townhouse".

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the Revised 1993 Loudoun County Zoning Ordinance as it exists today, May 2, 2013, and such Ordinance text is subject to change.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Zoning Appeals may be obtained by visiting the Loudoun County Government Center, 1 Harrison Street, S.E., Second Floor, Customer Service, Leesburg, Virginia. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any questions regarding this correspondence, please contact me at (703) 777-5394.

Attachment: Request for Zoning Determination

cc: Board of Supervisors
Charles Yudd, Assistant County Administrator
Nicole Dozier, Zoning Administrator
Terrance Wharton, Director, Department of Building and Development
Julie Pastor, Director, Department of Planning
Ron Brown, Deputy County Attorney
Rory Toth, Zoning Planner
Property Owner of Record: Goose Creek Estates, LLC
c/o Lennar
Brookfield Corp. Drive, Suite 200
Chantilly, VA 20148

FINDINGS FOR DENIAL:

1. The Loudoun County Zoning Administrator has determined that the dwelling units as depicted on the submitted Concept Development Plan are townhouse units and not multi-family units.
2. The applicant's proposed capital facilities contribution per townhouse dwelling unit to address the increased capital facilities impacts that such units would generate is not in conformance with the Capital Facility Intensity Factor adopted by the Board of Supervisors for single-family attached dwelling units pursuant to the Implementation policies of the Revised General Plan.
3. The townhouse (single family attached) unit design would result in a greater capital facilities impact than the currently approved multi-family dwelling units and the application fails to provide adequately for such greater capital facilities impact.
4. The application is not consistent with the Revised General Plan policies, Chapter 11 Capital Facilities Guideline 1, and fails to adequately mitigate the impacts of the proposed use.
5. The application does not address the full spectrum of unmet housing needs (0% to 100% of the AMI), as identified in the Revised General Plan policies (as amended by CPAM 2007-0001, Countywide Housing Policies, Chapter 2, Housing text).

ATTACHMENT 3

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**GOOSE CREEK PRESERVE
ZONING CONCEPT PLAN AMENDMENT
(FIRST AMENDMENT TO GOOSE CREEK PRESERVE
PROFFER STATEMENT ZMAP 2002-0009)
ZCPA 2012-0003**

April 25, 2013

Pursuant to Section 15.2-2303 of the Code of Virginia and Section 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance (the “**Zoning Ordinance**”), Goose Creek Estates, LLC, a Virginia limited liability company (the “**Owner**”), the owner of 73.40 acres of real property described as Loudoun County Tax Map #78, Parcel 7 (PIN 154-37-0101) (“**Parcel 7**”), which is a portion of the property subject to rezoning application ZMAP 2002-0009, Goose Creek Preserve, approved on July 6, 2004, by the Loudoun County Board of Supervisors (the “**Board**”), on behalf of itself and its successors in interest, hereby voluntarily proffers that development of the 4.49 acre portion (the “**Parcel**”) of Parcel 7 that is the subject of this ZCPA 2012-0003 and is illustrated as the “Limits of Application” on Sheet 2 of 8 of the plan set entitled “Goose Creek Preserve Portion of Land Bay IV Zoning Concept Plan Amendment” dated February 2012, as revised April 17, 2013 (the “Plans”) attached hereto as **Exhibit A**, shall be in substantial conformance with (i) the proffers as set forth below (the “**Proffers**”), (ii) Sheets 1 and 3 through 8 of 8 (the “**Concept Development Plan**”) of the Plans, (iii) the ZMAP 2002-0009 Proffer Statement dated June 7, 2004 together with the letter of clarification dated July 1, 2004 (the “**ZMAP 2002-0009 Proffers**”), and (iv) Sheets 5 through 10, defined as the concept development plan approved with ZMAP 2002-0009 (the “**ZMAP 2002-0009 Concept**

Development Plan”) referenced in the ZMAP 2002-0009 Proffers, all of which are incorporated herein by reference.

All proffers made herein are contingent upon approval of this ZCPA 2012-0003. If accepted, the Proffers amend, supersede and/or replace only those portions of the ZMAP 2002-0009 Proffers and those portions of the ZMAP 2002-0009 Concept Development Plan as specifically indicated below. The remainder of the ZMAP 2002-0009 Proffers and the ZMAP 2002-0009 Concept Development Plan shall remain in full force and effect.

The first sentence of Proffer I.A. of the ZMAP 2002-0009 Proffers is deleted in its entirety and the following is substituted therefore:

I. REZONING PLAT AND PHASING

A. Substantial Conformance. The Parcel shall be developed in substantial conformance with the Concept Development Plan defined herein above as comprising Sheets 1, and 3 through 8 of the Concept Development Plan as revised through April 17, 2013, and with the concept development plan defined as Sheets 1, and 5 through 10 of the plan set approved with ZMAP 2002-0009 except as modified by the Concept Development Plan. Each dwelling unit constructed on the Parcel shall be consistent with the definition of a multifamily dwelling defined in the Zoning Ordinance as “a building containing five or more dwelling units not having a separate lot.” No dwelling unit constructed on the Parcel shall exceed 2,000 square feet of habitable space, excluding enclosed parking (a garage) and the common foyer for each such dwelling unit. With the exception of a garage door for vehicular access, no dwelling unit constructed on the Parcel shall have a separate ground level pedestrian entrance from the outside.

The following paragraph shall be added as Paragraph I.D.:

D. Lighting on the Parcel. All exterior lighting fixtures on the Parcel shall be full cutoff lighting fixtures that shall be fully shielded and with light directed inward and downward away from streets and adjacent properties.

The following paragraph shall be added as Paragraph I.E.:

E. Multifamily Capital Facility Proffer for Parcel. The Capital Facilities Contribution as that term is defined in Proffer V.A. of the ZMAP 2002-0009 Proffers for all dwelling units constructed on the Parcel shall be Eight Hundred Seventy-Nine Thousand and One Hundred Eighty-One and 20/100 Dollars (\$879,181.20), which shall be payable at the time of approval of the zoning permit for each of the said sixty (60) market rate dwelling units in the amount of Fourteen Thousand Six Hundred Fifty-Three and 02/100 Dollars (\$14,653.02) for each of the sixty market rate dwelling units constructed on the Parcel.

These proffers shall be binding on the heirs, executors, administrators, assigns and successors in interest of the Owner. The undersigned hereby warrant that all of the owners of any legal interest in the Parcel have signed this proffer statement, that no signature from any additional party is necessary for these proffers to be binding and enforceable in accordance with their terms, that the Owner has full authority to bind the Parcel to these conditions, that the undersigned are authorized to act on behalf of the Owner, and that the proffers are entered into voluntarily.

GOOSE CREEK ESTATES, LLC,
a Virginia limited liability company

By: BROOKFIELD WASHINGTON, LLC,
a _____ limited liability company,
Member

By: _____
Name: _____
Title: _____

By: U.S. HOME CORPORATION,
a Delaware corporation,
Member

By: _____
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____; to-wit:

Before the undersigned, a Notary Public in and for the aforementioned jurisdiction, personally appeared _____, as _____ of Brookfield Washington, LLC, a _____ limited liability company, Member of Goose Creek Estates, LLC, a Virginia limited liability company, who acknowledged that he/she executed the foregoing Proffers with the full power and authority to do so.

IN WITNESS WHEREOF, I have affixed my hand and seal this _____ day of _____, 2013.

Notary Public

My Commission Expires:
Notary Registration Number:

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____; to-wit:

Before the undersigned, a Notary Public in and for the aforementioned jurisdiction, personally appeared _____, as _____ of U.S. Home Corporation, a Delaware corporation, Member of Goose Creek Estates, LLC, a Virginia limited liability company, who acknowledged that he/she executed the foregoing Proffers with the full power and authority to do so.

IN WITNESS WHEREOF, I have affixed my hand and seal this _____ day of _____, 2013.

Notary Public

My Commission Expires:
Notary Registration Number: